

Notice of Allowability

Application No.

09/424,347

Examiner

Joseph F. Murphy

Applicant(s)

ENDOU ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/23/2005.
2. ☒ The allowed claim(s) is/are 17, 19-24 renumbered as 1, 2-7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07182005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOSEPH MURPHY
PATENT EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John B. Alexander on 7/18/2005.

The application has been amended as follows:

In the claims:

17. Method for screening a compound for an effect on the ability of a protein to transport an organic anion, wherein the method comprises the steps of:
cultivating, in the presence of a substrate comprising said organic anion, an oocyte expressing the protein comprising the amino acid sequence [shown in] of SEQ ID NO: 2;
measuring the amount of organic anion transported into the oocyte; and
comparing the amount of organic anion transported in the absence of said compound to the amount of organic anion transported in the presence of said compound.

20. The method of claim 17, wherein the protein comprising:
the amino acid sequence [shown in] of SEQ ID NO 2 is encoded by a nucleic acid isolated from kidneys.

Art Unit: 1646

21 . A method for screening a compound inhibiting uptake of an organic anion into an oocyte, wherein the method comprises the steps of:

- (a) cultivating a first oocyte expressing a protein comprising the amino acid sequence [shown in] of SEQ ID NO 2, wherein the cultivation is conducted in the presence of a labeled organic anion and a test compound;
- (b) cultivating a second oocyte expressing a protein comprising the amino acid sequence [shown in] of SEQ ID NO 2. wherein the cultivation is conducted in the presence of a labeled organic anion;
- (c) measuring the amount of labeled organic anion transported into the first oocyte in step (a) and the amount of labeled organic anion transported into the second oocyte in step (b); and
- (d) comparing the amount of labeled organic anion transported as measured in step (a).

22. A method for screening an organic anion for an effect on the ability of a protein to transport an organic anion, wherein the method comprises the steps of: cultivating an oocyte, in the presence of a substrate comprising said organic anion; measuring the amount of organic anion transported into the oocyte; and comparing the amount of organic anion transported when the oocyte is expressing the protein comprising the amino acid sequence [shown in] of SEQ ID NO 2, to the amount of organic anion transported in the absence of said protein.

Art Unit: 1646

24. The method of claim 22, wherein the protein comprising the amino acid sequence [shown in] of SEQ ID NO 2 is encoded by a nucleic acid isolated from kidneys.

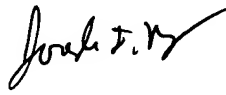
Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Murphy whose telephone number is (571) 272-0877. The examiner can normally be reached Monday through Friday from 7:30 am to 5:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached on (571) 272-0829.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph F. Murphy, Ph. D.
Primary Examiner
Art Unit 1646
July 18, 2005


**JOSEPH MURPHY
PATENT EXAMINER**